

The present suit is filed by the plaintiff against the defendants seeking relief of declaration and permanent injunction with respect to suit schedule property. The plaintiffs have also filed I.A.No.II u/o 39 Rule 1 and 2 of CPC seeking ad-interim temporary injunction restraining the defendant No.4 to 6 from disbursing the compensation in respect of suit schedule property in favour of defendant No.1 to 3 or anybody claiming under them pending disposal of the suit.

In support of their contention, the plaintiffs have produced several documents pertaining to suit schedule property. At this juncture, the court is of the opinion that the intended order cannot be granted without securing the presence of defendant No.4 to 6 because the defendant No.4 to 6 are the Government authorities and as per the provisions of Sec.80(2) of CPC the court shall not grant relief in a suit, whether interim or otherwise except after giving the Government or Public Officer as the case may be reasonable opportunity of showing cause in respect of relief prayed. It is settled that the court shall

issue notice of application to the opposite party before granting injunction as contemplated under order 39 Rule 3 of CPC. Hence, this court proceed to pass the following:-

ORDER

Issue emergent notice of I.A No.II and suit summons to the defendant No.4 to 6 through ordinary service as well as RPAD if plaintiffs have taken proper steps in accordance with law.

Issue suit summons to defendant No.1 to 3.

Call on 23.04.2024.

Sd/-
I Addl. Civil Judge & J.M.F.C
Kanakapura.